

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CDO Plus Master Fund Ltd.,

Plaintiff,

-against-

Wachovia Bank, National Association,

Defendant.

07 CV 11078 (LTS)(AJP)
ECF Case

WACHOVIA BANK'S NOTICE OF MOTION FOR JUDGMENT ON THE PLEADINGS

PLEASE TAKE NOTICE that, pursuant to Federal Rule of Civil Procedure 12(c) and based upon the accompanying Declaration of Patrick L. Robson, dated July 24, 2008, with exhibits, the accompanying Memorandum of Law, and all pleadings and proceedings had herein, Defendant Wachovia Bank, National Association (“Wachovia”), by and through its undersigned counsel, hereby respectfully moves this Court for an Order dismissing each claim set forth in Plaintiff’s Amended Complaint, dated January 12, 2008 and filed January 15, 2008 (Dkt. 11); granting Defendant judgment on its Counterclaim, dated and filed February 15, 2008 (Dkt. 13); and awarding Defendant \$1,030,861.12, plus interest, and all costs associated with the collection of amounts due under the Agreement that is the subject of this case, including, but not limited to, attorneys’ fees.

We hereby certify that, pursuant to Rule 2.B of the Individual Practices of Judge Laura T. Swain, Wachovia used its best efforts to resolve the matters raised in this motion informally prior to moving. These efforts included an exchange of letters and telephone calls with counsel for Plaintiff, Terence W. McCormick, Esq.

Dated: Charlotte, North Carolina
July 24, 2008

HUNTON & WILLIAMS LLP

By: /s/ Patrick L. Robson
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-and-

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*Attorneys for Defendant
Wachovia Bank, National Association*

DECLARATION OF SERVICE

Raymond E. Galbraith, hereby declares under penalty of perjury, pursuant to 28 U.S.C.

§ 1746, that:

I am a Litigation Paralegal at the law firm of Hunton & Williams LLP, attorneys for Defendant Wachovia Bank, National Association.

That on July 24, 2008, I served a true copy of the attached Notice of Motion for Judgment on the Pleadings, on counsel of record listed below via the Court's ECF System, and via First Class Mail, to the address listed below, by depositing the same in a duly enclosed and sealed wrapper, with the correct postage thereon, in an official letter box duly maintained by the Government of the United States of America within the State of New York.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 24, 2008.

/s/ Raymond E. Galbraith

Raymond E. Galbraith

TO: Terence W. McCormick, Esq.
Steven Glen Mintz, Esq.
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*Attorneys for Plaintiff
CDO Plus Master Fund Ltd.*